

House Bill 1189

By: Representatives Sims of the 169<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Lane of the 167<sup>th</sup>, Cheokas of the 134<sup>th</sup>, Teilhet of the 40<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of governmental office, so as to provide for the offense of malfeasance in office; to provide for definitions; to provide for criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of governmental office, is amended by adding a new Code section to read as follows:

"16-10-10.

(a) As used in this Code section, the term:

(1) 'Malfeasance in office' means knowingly:

(A) Failing to conduct audits as required by law;

(B) Failing to comply with court orders;

(C) Misappropriating any sales and use tax levied by or pursuant to Article 2 of Chapter 8 of Title 48, Part 1 of Article 3 of Chapter 8 of Title 48, or Part 2 of Article 3 of Chapter 8 of Title 48;

(D) Failing to comply with the requirements prescribed by Chapter 14 of Title 50 relating to open meetings;

(E) Failing to comply with Article 4 of Chapter 18 of Title 50 relating to open records;

(G) Failing to maintain records and reports required by law for collection and remittance of revenue, forfeitures, fees, and fines; or

(H) Using county or municipal equipment on private property for a nongovernmental purpose.

(2) 'Public officer' means every elected county or municipal official and every elected member of a local board of education.

28 SECTION 2.

29 All laws and parts of laws in conflict with this Act are repealed.